



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARY HELEN SEARS ESQ
THE M H SEARS LAW FIRM CHARTERED
910 SEVENTEENTH STREET N W
SUITE 800
WASHINGTON, DC 20006

COPY MAILED

NOV 04 2004

OFFICE OF PETITIONS

In re Application of :
Vladimir Andrei Koulchin et al :
Application No. 09/518,165 : ON PETITION
Filed: March 1, 2000 :
Attorney Docket No. None :

This is a decision on the petition under 37 CFR 1.137(b), filed September 20, 2004, to revive the above-identified application.

The petition is **DISMISSED AS MOOT** for the reasons stated below.

A review of the file record discloses that a non-final Office action was mailed on December 11, 2003, setting a three month shortened statutory period for reply.

On March 11, 2004, a Notice of Appeal was timely filed. Applicants were required to file an Appeal Brief within two months of receipt in the USPTO of the Notice of Appeal, i.e., on or before May 11, 2004. However, pursuant to the provisions of 37 CFR 1.136(a), extensions of time up to five months are available. Therefore, the Appeal Brief, with the appropriate extension of time fee, is due on or before October 11, 2004. Accordingly, since this case was not in fact abandoned at the time of filing the instant petition, the petition to revive was prematurely filed and is dismissed as involving a moot issue.

Since this application was not abandoned at the time of filing of the petition to revive, as explained above, the petition to revive fee of \$665.00 is unnecessary. Accordingly, as authorized, the above fee will be credited to petitioner's Deposit Account No. 19-1027. The \$265.00 (1005.00-740.00) extension-of-time fee will be charged to the same account.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1645.

Wan Laymon
Wan Laymon

Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy